

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WALTER W. THIEMANN, et al.,	:	CIVIL ACTION NO. C-1-00-793
	:	
Plaintiffs	:	(Judge Sandra S. Beckwith)
	:	(Magistrate Judge Timothy S. Hogan)
-v-	:	
	:	DEFENDANTS,
	:	DINSMORE & SHOHL, LLP'S, CLIFFORD
	:	ROE'S AND CHARLES HERTLEIN'S
DINSMORE & SHOHL, LLP., et al,	:	MOTION TO STAY CONSIDERATION
	:	OF PLAINTIFFS' APRIL 22, 2004
	:	<u>MOTION FOR SUMMARY JUDGMENT</u>
Defendants.	:	

The Defendants, Dinsmore & Shohl, LLP, Clifford Roe and Charles Hertlein respectfully request that the Court stay consideration of Plaintiffs' April 22, 2004 Motion for Summary Judgment (T.d. 315) until after the Court rules on the Defendants' January 22, 2004 Motion to Dismiss (T.d. 246).

Respectfully submitted:

S/ Michael E. Maundrell
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John W. Hust (0027121)
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MEMORANDUM IN SUPPORT

_____The Defendants filed a Motion to Dismiss all claims asserted against them on January 22, 2004 (T.d. 246). Pursuant to the Private Securities Litigation Reform Act ("PSLRA") and this Court's prior scheduling order "all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss. See, 15 U.S.C. §78u-4(b)(3)(B); Order, November 19, 2003 (T.d. 221)." The Motion to Dismiss remains pending.

While Plaintiffs' Motion was asserted only against the Provident/OHSL Defendants, the Motion addresses a claim which has been asserted against all Defendants, and if ruled upon by the Court may affect all Defendants' potential liabilities. Defendants may not be able to re-argue the issues raised by Plaintiffs' Motion at a later date should this Court decide the matter as the law of the case. The Defendants would also note that this Motion for Partial Summary Judgment has been filed months in advance of the dispositive Motion deadline in this case (December 31, 2004).

For the reasons set forth above and for the reasons set forth in the Motion to stay filed by the KMK Defendants, Defendants, Dinsmore & Shohl, LLP, Clifford Roe and Charles Hertlein respectfully request that this Court stay briefing in consideration of Plaintiffs' April 22, 2004 Motion for Summary Judgment until after the Court has ruled on the Motions to dismiss.

Respectfully submitted:

S/ Michael E. Maundrell
Michael E. Maundrell (0027110)
John W. Hust (0027121)
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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Daniel J. Donnellon, Rachel A. Rowe, Jamie Ramsey and James E. Burke, Attorneys for Defendants, OHSL Financial Corp., Provident Financial Group, Inc. and Keating, Muething & Klekamp, 1400 Provident Tower, One East Fourth Street, Cincinnati, OH 45202; Michael R. Barrett, Attorney for KEATING, MUETHING & KLEKAMP, P.L.L. and Mark Weiss, 105 East Fourth Street, Suite 500, Cincinnati, Ohio 45202-4015; John B. Pinney and J. Michael Debbeler, Attorneys for Defendants Oak Hills and Provident, 1900 Fifth Third Center, 511 Walnut Street, Cincinnati, Ohio 45202; James E. Gauch, and **I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:** Gene Mesh and Michael G. Brautigam, Attorneys for Plaintiffs, 2605 Burnet Avenue, Cincinnati, Ohio 45219-2502; Melissa D. Star and Stephen J. Brogan, Attorneys for Ernst & Young, 51 Louisiana Avenue, N.W., Washington, D.C., 20001-2113.

S/ Michael E. Maundrell
Michael E. Maundrell

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